Claim 4 (original) The flavoring agent of claim 3 selected from the group consisting of cyclohexyl- sulfamic acid, saccharin (o-benzosulfimide), Aspartame (i.e., L-Aspartyl-L-phenylalanine methyl ester), and sugar.

Claim 5 (currently amended): A method for the treatment of rheumatoid arthritis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 6 (currently amended): A method for the treatment of osteoarthritis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 7 (currently amended): A method for the treatment of ankylosing spondylitis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 8 (currenly amended): A method for the treatment of acute gouty arthritis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 9 (currently amended): A method for the treatment of acute tendinitis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 10 (currently amended): A method for the treatment of bursitis in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 11 (currently amended): A method for the treatment of primiary dysmenorrhea in an animal comprising administering to said animal a pharmaceutically effective amount of [the ketoprofen solution of claim 1] a palatable solution of ketoprofen and an oral base in water.

Claim 12 (previously cancelled)

Claim 13 (currently amended): A [pharmaceutical solution comprising] method for the analgesic treatment of an animal comprising administering to said animal a pharmaceutically effective amount of ketoprofen and an edible weak base, wherein ketoprofen is present in an amount of 1-10% by weight of [the] a solution and wherein the edible base is present in an amount no greater than about 90% by weight of [the] a solution.

Claim 14 (currently amended): The [pharmaceutical solution] method of claim 13, wherein the edible weak base is selected from the group consisting of sodium bicarbonate, sodium chloride, potassium chloride, sodium sulfate, and potassium sulfate.

Claim 15 (currently amended): The [pharmaceutical solution] method of claim 13, further comprising the addition of a flavoring agent.

Claim 16 (original) The flavoring agent of claim 15 selected from the group consisting of cyclohexyl- sulfamic acid, saccharin (o-benzosulfimide), Aspartame (i.e., L-Aspartyl-L-phenylalanine methyl ester), and sugar.

Claim 17 (currently amended): [The pharmaceutical solution] A method for the analgesic treatment of an animal comprising administering to said animal a pharmaceutically effective amount [comprising] of ketoprofen and an edible weak base, wherein ketoprofen is present in an amount of 10-20% by weight of [the] a solution and wherein the edible base is present in an amount no greater than about 80% by weight of [the] a solution.

Claim 18 (currently amended): The [pharmaceutical solution] method of claim 17, wherein the edible weak base is selected from the group consisting of sodium bicarbonate, sodium chloride, potassium chloride, sodium sulfate, and potassium sulfate.

Claim 19 (previously amended) A method for preparing a water-soluble ingestible form of ketoprofen comprising the following steps:

(a) mixing ketoprofen and an edible weak base in a ratio of 1:10 by weight;
(b) adding a flavoring agent.

Claim 20 (previously amended) The method of claim 19, wherein said flavoring agent is selected from the group consisting of cyclohexyl-sulfamic acid, saccharin (o-benzosulfimide), Aspartame (i.e., L-Aspartyl-L-phenylalanine methyl ester), and sugar.

REMARKS

Favorable reconsideration of this application is requested. All pending claims have now been listed above. Applicants have now amended 2-11, 13-15, and 17-18. Claims 1-11 and 13-20 remain pending in the application. A declaration under 37 CFR §1.132 by Dr. Michael A. Strobel is also submitted to show the precipitation problems inherent with the Dondi et al. reference.

35 USC §112, Second Paragraph Rejection

Claims 2-11 and 16 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. As amended, the claims are directed to a method of use as opposed to the composition. Thus, applicants respectfully request that this rejection now be removed.

35 USC §103 Rejection in view of Dondi et al.

Claims 1, 5-11, 13, and 17 stand rejected under 35 USC §103 (a) as being unpatentable over Dondi et al. (U.S. Patent No. 5,624,682). This rejection is respectfully traversed.

As shown in the accompanying Rule 132 Declaration, Dondi et al. actually teaches away from Applicants' invention because of the precipitation problems that are inherent therein. When examples were conducted using the teachings of Dondi et al. precipitations occurred that would severely limit their use as a water based carrier system for ketoprofen.

Dondi et al. fails to teach, provide motivation, or disclose any suggestion related to a method to one of ordinary skill in the art a method of forming an oral, palatable, stable, and safe solution of ketoprofen and an oral base in water for use in the mass administration to animals

Accordingly, applicants request the removal of the rejection based on 35 USC §103.

35 USC §103 Rejection in view of Daher

Claims 13-20 stand rejected under 35 USC §103 as being unpatentable over Daher (U.S. Patent No. 5,348, 745). The claims as now amended are directed to the method of use as opposed to the compound itself.

Daher is directed to the formulation of a tablet comprising an edible organic acid. Daher contains no teaching of a pharmaceutical solution for administration to animals. Moreover, there is no teaching, suggestion or motivation in Daher for the method of use now claimed, i.e., a method to one of ordinary skill in the art a method of forming an oral, palatable, stable, and safe solution of ketoprofen and an oral base in water for use in the mass administration to animals.

In any event, Applicants maintain that the Office Action has not established a prima facie case for a 35 USC §103 case.

Applicants respectfully request that this rejection now be withdrawn on either of the above-identified basis.

Conclusion

As all of the outstanding rejections have been addressed and all of the claims are now believed to be in condition for allowance, Applicants respectfully invite the Examiner to contact the undersigned representative should any further issue arise.

Respectfully submitted,

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